

## STATE OF WASHINGTON

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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT  
Fax: (360) 664-2782

2005 AUG 26 P 12:17

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER  
I declare under penalty of perjury  
under the laws of the State of  
Washington that on the date listed  
below, I mailed or caused delivery  
of a true copy of this document to  
all parties listed below  
DATED this 26th day of Aug. 2005.  
at Tumwater, Washington.  
Signed: Wendy Galloway

Patricia D. Petersen  
Chief Hearing Officer  
(360) 725-7105

Hearings Unit, DIC  
Wendy Galloway  
Patricia D. Petersen  
Administrative Assistant  
(360) 725-7002  
[wendyg@oic.wa.gov](mailto:wendyg@oic.wa.gov)

In the Matter of:

DME/OP PURCHASING GROUP, INC.)

NO. G05-51

NOTICE OF HEARING

Applicant for a Risk Purchasing Group.)

TO: Derek J. Shafer, Attorney  
Jayhawk Tower  
700 S.W. Jackson, Roof Garden Suite  
Topeka, Kansas 66603

COPY TO: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
James T. Odiorne, Deputy Commissioner, Company Supervision  
Carol Sureau, Deputy Commissioner, Legal Affairs  
Mary Cotter, Staff Attorney, Legal Affairs  
Marshall McGinnis, Company Licensing Manager  
Kris Graap, Insurance Policy & Compliance Analyst  
P.O. Box 40255  
Olympia, Washington 98504-0255

On July 22, 2005, the Insurance Commissioner (Commissioner) received a request for hearing from Derek J. Shafer, Esq. on behalf of DME/OP Purchasing Group, Inc (DME/OP). This request for hearing, which shall be considered a request for an adjudicative proceeding, is included in the hearing file and is by this reference incorporated herein. In the subject request for hearing, filed pursuant to RCW 48.04 and 34.05 RCW, DME/OP Purchasing Group, Inc. appeals OIC's denial of DME/OP Purchasing Group's Risk Purchasing Group Application.

Accordingly a prehearing conference was held by telephone on Wednesday, August 24, 2005 at 2 p.m. Derek J. Shafer, Esq. represented DME/OP. The Commissioner was represented by Staff Attorney Mary Cotter. Also present at the hearing were Marshall McGinnis, Company Licensing

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Manager and Kris Graap, Insurance Policy and Compliance Analyst, both of the Office of the Insurance Commissioner. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties. Of significance, the parties agreed that the hearing should be held by telephone, commencing on Wednesday, October 26, 2005 at 10 a.m. (Pacific Standard Time). Also of significance was the fact that DME/OP requested the opportunity to present his opening statement prior to the Commissioner's opening statement: this request was opposed by the Commissioner and the undersigned asked this request be put in writing by DME/OP, would be argued by the parties at a future prehearing conference and the undersigned would rule on this request after oral argument.

The Commissioner will be represented by Mary Cotter, Staff Attorney for the Legal Affairs Division. Ms. Cotter's mailing address is P.O. Box 40255, Olympia, Washington 98504-0255 and her telephone number is (360) 725-7057.

DME/OP will be represented either 1) by an officer, director or authorized employee of DME/OP with full participation of Derek J. Shafer, Esq.; and/or 2) by local Washington counsel, with full participation of Derek J. Shafer, Esquire. Mr. Shafer's address is Jayhawk Tower, 700 S.W. Jackson, Roof Garden Suite, Topeka, Kansas 66603.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010, and will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. DME/OP will be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on August 24, 2005, the undersigned held a first prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

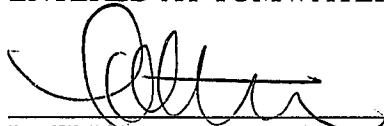
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

**ORDER**

Based upon the above activity,

**IT IS HEREBY ORDERED** that the hearing in this matter shall commence, by telephone, on Wednesday, October 26, 2005 at the hour of 10:00 a.m., Pacific Standard Time. Both parties, and any other individual(s) counsel requests to include, will be contacted by telephone by the state operator just prior to the time for commencement of the hearing. Counsel are requested to advise the administrative assistant to the undersigned of all individual(s) they wish to be included.

ENTERED AT TUMWATER, WASHINGTON, this 26<sup>th</sup> day of August, 2005.



PATRICIA D. PETERSEN  
Presiding Officer